

Before the
Federal Communications Commission

Washington, D.C. 20554

In re Applications of

FRANK B. DUROSS

KENNETH F. ROSER, JR.

KEVIN O'KANE

For a Construction Permit for
a New FM Station on Channel 250A,
at Whitesboro, New York

MM DOCKET NO. 93-264

File No. BPH-920512MC

File No. BPH-920513MI

File No. BPH-920514MK

To: Honorable Joseph P. Gonzalez
Administrative Law Judge

MOTION TO ENLARGE ISSUES AGAINST KEVIN O'KANE

Frank B. DuRoss, by and through counsel, and pursuant to §1.229(b) of the Commission's Rules, hereby submits his "Motion To Enlarge Issues Against Kevin O'Kane" in the above-referenced comparative proceeding.¹ In support whereof, the following is shown:

BACKGROUND

1. In his application, at page 6, Kevin O'Kane ("O'Kane") certified that he had sufficient net liquid assets on hand or available from committed sources to construct and operate his new Whitesboro station. See Exhibit 1. Furthermore, Mr. O'Kane reported that he was relying on himself (\$50,000) and his father, Roger O'Kane ("up to \$100,000") as the sources of funding for the

¹ Standard document production in this proceeding took place on November 15, 1993. The filing of this Motion is based upon documents produced by Mr. O'Kane in his document production. Since this Motion is being filed within fifteen days after receipt of Mr. O'Kane's document production, it is timely filed. See §1.229(b) of the rules.

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estimated \$77,562 he would need to build and operate his new Whitesboro station. Id.

2. On November 15, 1993, Mr. O'Kane exchanged those documents responsive to the Commission's Standard Document Production outlined in §1.325(c)(1) of the rules. See Exhibit 2. In response to the category outlined in §1.325(c)(1)(v), "all bank letters and other financing documents...", O'Kane produced three documents. Id. The first was a letter from Roger and Marian O'Kane to Kevin O'Kane. Id. This letter states that Roger and Marian O'Kane will lend up to \$100,000 for Kevin O'Kane's Whitesboro application. Id. Included with this letter was a document entitled, "Financial Statement, Roger J. and Marian E. O'Kane, April 1, 1992." This Financial Statement listed six categories of assets owned by the O'Kanes and stated that they have no outstanding liabilities. Id.

3. Mr. O'Kane also produced a copy of his "Personal Financial Statement" of April 15, 1992. This Statement listed three categories of assets owned by Kevin O'Kane and one liability. Id. The assets listed on Mr. O'Kane's Statement were \$5,000 cash, a 37.5 percent stock interest in WFXV-TV, Utica, New York, which is listed as having a value of \$750,000, and his Westmoreland residence valued at \$125,000. Id. The one liability listed for Mr. O'Kane was the \$71,000 mortgage owed on the Westmoreland residence. Id. No other supporting documents were produced.

ARGUMENT

O'Kane Has Failed To Demonstrate That He Had Reasonable Assurance Of Sufficient Net Liquid Assets To Fund His Whitesboro Proposal

4. It is long-standing Commission policy that, prior to certifying its financial qualifications, an applicant must confirm that it has "sufficient net liquid assets on hand...to construct the proposed facility and operate for three months without revenue." See Instructions To FCC Form 301 at p. 5 (June 1989 version).² If the applicant is relying on his own assets, then his "net liquid assets" must be sufficient to cover the proposed financing. "Net liquid assets" are defined by the Commission as "...the lesser amount of the net current assets or of the liquid assets shown on party's balance sheet, with net current assets being the excess of current assets over current liabilities." Instructions To FCC Form 301, at page 5 (June 1989 version).

5. In this case, it is obvious from the documents produced by Mr. O'Kane, that he intends to rely principally upon non-liquid assets (ie: his home and non-controlling interest in a television station) to provide the funds to construct and operate his proposed Whitesboro station. However, under the Commission's definition, O'Kane has, at best, a mere \$5,000 worth of "net liquid assets," far short of the \$50,000 he claimed was at his disposal for his proposed Whitesboro station. While his

² Mr. O'Kane's application was filed on the June 1989 version of FCC Form 301.

"Personal Financial Statement" lists a less-than controlling interest in WFXV-TV with an alleged valued at \$750,000 and real estate allegedly valued at \$125,000, he has not produced any contemporaneous documentation that would demonstrate the value and marketability of these two properties. See, Jimmie Howell, 58 FCC 2d 629, 632 (Rev. Bd. 1976); see also note 3 herein. Absent some sort of documentation to prove that Mr. O'Kane was aware of the actual value of these properties at the time he made his financial certification (such as an appraisal), the personal values he has assigned to each are not credible. See, Texas Communications Ltd., 6 FCC Rcd 5191, 5193 (1991); and Donald E. Hilgendorf, 4 FCC Rcd 5004 (Rev. Bd. 1989).

6. In Julie P. Miner, 52 FCC 2d 684 (Rev. Bd. 1975), the Board added an issue against an applicant who did not have sufficient net liquid assets to cover his proposal. The Board found that the applicant's reliance on fixed, non-liquid assets was not sufficient because "it is well established that fixed assets, in the absence of proof of marketability or liquidity, afford no reasonable assurance that the estimated proceeds from the sale will, in fact, be available." Julie P. Miner, 52 FCC 2d at 685, citing, Seaboard Broadcasting Corp., 24 FCC 2d 259 (1970); and Vista Broadcasting Company, Inc., 18 FCC 2d 636 (1969). In that case, the applicant failed to produce any evidence to support the marketability or liquidity of the various assets it intend to rely upon for its financing, which included another broadcast station. In this case, Mr. O'Kane's document

production proves that he had no documentation to show the marketability or liquidity of any of the assets he or his father were relying upon to support Mr. O'Kane's financial proposal. Therefore, Kevin O'Kane had no independent proof to support his belief that he had sufficient net liquid assets to cover his budget and was merely guessing when he made his financial certification. This raises the question as to whether Mr. O'Kane took the necessary steps to verify his own net worth prior to certifying his application.

7. Furthermore, a review of Mr. O'Kane's documentation and application reveals that he is a principal in at least two other applications for new television facilities that are currently pending before the Commission. Mr. O'Kane is a 37.5 percent stockholder of Mohawk Valley Broadcasting, Inc., an applicant for a new television station at Ilion, New York (File No. BPCT-890629KE). See Exhibit 3. This application has been tendered for filing and is currently pending before the Commission. In addition to being the licensee of four other low power television (LPTV) stations in the Utica, New York area; Mr. O'Kane is the permittee of a new LPTV station, as well as, an individual applicant for a new LPTV station at Oneonta, New York. See Exhibit 3. Under Commission policy, "...where an applicant has filed multiple applications before the Commission: 'it must be able to demonstrate that it is financially qualified as to all pending applications.'" Breeze Broadcasting Co., Ltd., 5 FCC Rcd 6365, 6366 (Rev. Bd. 1990), citing, Texas Communications L.P., 5

FCC Rcd 5876, 5878 (Rev. Bd. 1990) and cases cited therein. In this case, the existence of these additional applications and broadcast interests raises the question of whether Mr. O'Kane, with a mere \$5,000 in net liquid assets, will be able to meet the \$50,000 commitment to his Whitesboro proposal while following through on his other financial obligations. Mr. O'Kane bore the burden on showing that he was able to meet all of his other outstanding financial commitments and the present broadcast financial proposal. See, Breeze Broadcasting Co., Ltd., 8 FCC Rcd 1835, 1837 (Rev. Bd. 1993). By failing to produce any documents, Mr. O'Kane has not met his burden and there remains the question of whether he was financially qualified at the time he filed his Whitesboro application and whether he has remained financially qualified during the pendency of this proceeding. See, Breeze Broadcasting Co., Ltd., 5 FCC Rcd at 6367, and 8 FCC Rcd at 1837. In light of these revelations, additional financial issues should be added against Mr. O'Kane.

8. Given the lack of supporting documentation, Mr. O'Kane's proposal to borrow money from his father, Roger O'Kane is equally suspect.³ "Consistent Commission policy and precedent

³ An additional question has been raised concerning another outstanding loan from the O'Kanes to their son. At Exhibit 4 to his Whitesboro application, Mr. O'Kane states that his parents have loaned \$72,000 to Mohawk Valley Broadcasting, Inc., for use with WFXV-TV. See Exhibit 1. Since this loan does not appear on either of the O'Kanes' Financial Statements, this raises the question of the true extent of Roger and Marian O'Kane's liquidity. The existence of this previous loan also raises the question of whether Mr. O'Kane is seeking to borrow \$100,000 from the same pool of money from which the previous loan was made.

demand that a proposed lender, if not a recognized financial institution, must evidence net liquid assets sufficient to meet an applicant's financial commitment." Additionally, the certifying applicant must review documentation establishing these net liquid assets, before certification. Port Huron Family Radio, Inc., 4 FCC Rcd 2532 (Rev. Bd. 1989) (emphasis in original). While it appears that Mr. O'Kane's father did supply him with a copy of his current "Financial Statement" prior to Mr. O'Kane making his certification, no other supporting documentation was provided to Mr. O'Kane. While the O'Kanes' Financial Statement recites that certain of their assets have values in excess of \$100,000, they failed to supply their son with any proof of these claims. Since Kevin O'Kane had no such documentation in hand when he made his financial certification, he was left to assume that his parents would have the financial wherewithall to follow through on their commitment to him. Such an assumption does not meet the Commission's test of "reasonable assurance" and, consequently, the addition of financial issues against Mr. O'Kane is warranted in this case. See, Donald E. Hilgendorf, supra.

CONCLUSION

9. The above outlined-facts represent a specific allegation of fact sufficient to support enlargement of the issues in this proceeding. See §1.229(d) of the rules. Given the lack of supporting documentation, it is questionable whether Mr. O'Kane knew the true extent of his or his father's financial

abilities at the time he certified his financial qualifications. Therefore, the issues in this proceeding should be enlarged to include the following additional issues against Kevin O'Kane:

c. Whether, at the time he filed his Whitesboro application, O'Kane was financially qualified to build and operate his proposed facilities?

d. Whether O'Kane continues to possess the necessary financial qualifications of a prospective Commission licensee?

e. Whether O'Kane misrepresented his financial qualifications in his Whitesboro application?

f. In light of the evidence adduced under the above issues, whether O'Kane possess the requisite basic qualifications to be a Commission licensee?

10. Should the issues be enlarged against Mr. O'Kane, it is respectfully requested that he be ordered to produce the following additional documents relevant to the added issues:⁴

Additional Document Production Request

a. Any and all documents evidencing the current market value, as of May, 1992, of all assets listed on Kevin O'Kane's April, 15, 1992, Personal Financial Statement.

b. Any and all documents evidencing the present market value of all assets listed on Kevin O'Kane's April, 15, 1992, Personal Financial Statement.

c. Any and all documents evidencing any liens or other encumbrances on any of the assets listed on Kevin O'Kane's April 15, 1992, Personal Financial Statement.

⁴ Mr. DuRoss has already requested some of these documents in a "Supplemental Document Production Request" submitted on November 24, 1993.

d. Any and all documents evidencing Kevin O'Kane's financial obligations to any of his pending television applications.

e. Any and all documents evidencing the current market value, as of May, 1992, of all assets listed on the April 1, 1992, Financial Statement of Roger J. and Marian E. O'Kane.

f. Any and all documents evidencing the present market value of all assets listed on the April 1, 1992, Financial Statement of Roger J. and Marian E. O'Kane.


g. Any and all documents evidencing any liens or other encumbrances on any of the assets listed on the April 1, 1992, Financial Statement of Roger J. and Marian E. O'Kane.

11. Finally, should it be found that Mr. O'Kane misrepresented his financial qualifications to the Commission, the Commission should consider the imposition of a forfeiture of up to \$250,000. See §1.229(f). The fact that Mr. O'Kane may have misrepresented his financial capabilities in his FCC Form 301 raises the question of whether he has violated §1.17 of the rules which prohibits applicants from making "any misrepresentation or willful material omission" in documents submitted to the Commission.

WHEREFORE, the above premises considered, it is respectfully requested that the issues in this proceeding be enlarged against Kevin O'Kane, as outlined herein and that Mr. O'Kane be ordered to produce those additional documents requested above.

Respectfully submitted,

FRANK B. DUROSS

By: 
Arthur V. Belendiuk
Shaun A. Maher

His Attorneys

SMITHWICK & BELENDIUK, P.C.
1990 M Street, N.W.
Suite 510
Washington, D.C. 20036
(202) 785-2800

November 29, 1993

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EXHIBIT 1

MAY 14 1992

APPLICATION FOR CONSTRUCTION PERMIT FOR COMMERCIAL BROADCAST STATION

or COMMISSION Fee Use Only

FEE NO:

FEE TYPE

FEE AMT:

ID SEQ:

For APPLICANT Fee Use Only

Is a fee submitted with this application?

☒ Yes ☐ No

If fee exempt (see 47 C.F.R. Section 1.1112),
indicate reason therefor (check one box):

- ☐ Noncommercial educational licensee
☐ Governmental entity

FOR COMMISSION USE ONLY

FILE NO.

BPH-92 0514

DUPLICATE

Section I - GENERAL INFORMATION

1. Name of Applicant

Kevin O'Kane

Street Address or P.O. Box

3353 Jenkins Rd.

City Vernon

State NY

ZIP Code 13476

Telephone No. (Include Area Code)

315-829-4847

Send notices and communications to the following
person at the address below:

Name

(same)

Street Address or P.O. Box

City

State

ZIP Code

Telephone No. (Include Area Code)

2. This application is for:

☐ AM

☒ FM

☐ TV

(a) Channel No. or Frequency

250

(b) Principal
Community

City

Whitesboro

State

NY

(c) Check one of the following boxes:

☒ Application for NEW station

☐ MAJOR change in licensed facilities; call sign:

☐ MINOR change in licensed facilities; call sign:

☐ MAJOR modification of construction permit; call sign:

File No. of construction permit:

☐ MINOR modification of construction permit; call sign:

File No. of construction permit:

☐ AMENDMENT to pending application; Application file number:

NOTE: It is not necessary to use this form to amend a previously filed application. Should you do so, however, please submit only Section I and those other portions of the form that contain the amended information.

3. Is this application mutually exclusive with a renewal application?

☐ Yes ☒ No

If Yes, state:

Call letters

Community of License

City

State

Exhibit 4
Kevin O'Kane
May, 1992

The parents of the applicant, Roger and Marian O'Kane have made an interest-bearing loan to Mohawk Valley Broadcasting, Inc. in the amount of \$72,000 which is to be repaid in full prior to, or concurrent with the applicant's proposed divestiture.

SECTION III - FINANCIAL QUALIFICATIONS

NOTE If this application is for a change in an operating facility do not fill out this section.

1. The applicant certifies that sufficient net liquid assets are on hand or that sufficient funds are available from committed sources to construct and operate the requested facilities for three months without revenue. ☒ Yes ☐ No

2. State the total funds you estimate are necessary to construct and operate the requested facility for three months without revenue. \$ 77,562

3. Identify each source of funds, including the name, address, and telephone number of the source (and a contact person if the source is an entity), the relationship (if any) of the source to the applicant, and the amount of funds to be supplied by each source.

Source of Funds (Name and Address)	Telephone Number	Relationship	Amount
Kevin O'Kane 3353 Jenkins Rd. Vernon, NY 13476	315-829-4847	applicant	\$50,000
Roger O'Kane 114 N.23rd St. Surf City, NJ 08008	609-494-7514	father	loan of up to \$100,000

WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND IMPRISONMENT.
U.S. CODE, TITLE 18, SECTION 1001.

I certify that the statements in this application are true and correct to the best of my knowledge and belief, and are made in good faith.

Name of Applicant Kevin O'Kane	Signature <i>Kevin O'Kane</i>
Date 5/13/92	Title Proprietor

FCC NOTICE TO INDIVIDUALS REQUIRED BY THE PRIVACY ACT
AND THE PAPERWORK REDUCTION ACT

The solicitation of personal information requested in this application is authorized by the Communications Act of 1934, as amended. The principal purpose for which the information will be used is to determine if the benefit requested is consistent with the public interest. The staff, consisting variously of attorneys, analysts, engineers and applications examiners, will use the information to determine whether the application should be granted, denied, dismissed, or designated for hearing. If all the information is not provided, the application may be returned without action having been taken upon it or its processing may be delayed while a request is made to provide the missing information. Accordingly, every effort should be made to provide all necessary information. Your response is required to obtain the requested authority.

Public reporting burden for this collection of information is estimated to vary from 71 hours 45 minutes to 301 hours 30 minutes with an average of 118 hours 28 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, can be sent to the Federal Communications Commission, Office of Managing Director, Washington, D.C. 20554, and to the Office of Management and Budget, Paperwork Reduction Project (3030-0027), Washington, D.C. 20503.

THE FOREGOING NOTICE IS REQUIRED BY THE PRIVACY ACT OF 1974, P.L. 93-579, DECEMBER 31, 1974, 5 U.S.C. 552a(e)(3), AND THE PAPERWORK REDUCTION ACT OF 1980, P.L. 96-511, DECEMBER 11, 1980, 44 U.S.C. 3507.

EXHIBIT 2

THEY OVERCAME BY THE WORD
OF THEIR TESTIMONY

LAW OFFICES
JAMES L. OYSTER
RT. 1, BOX 801A
CASTLETON, VIRGINIA 22710
(703) 937-4800

FACSIMILE
(703) 937-2148

November 15, 1993

J. Richard Carr, Esq.
Law Office of J. Richard Carr
5528 Trent Street
Chevy Chase, MD 20815

Arthur V. Belendiuk, Esq.
Smithwick & Belendiuk
1990 M Street, N.W.
Suite 510
Washington, D.C. 20036

VIA FAX

Re: Whitesboro, NY, Document Production

The following documents are herewith produced:

Document Request:

- (A) Not applicable. Individual Applicant.
- (B) Not applicable. Individual Applicant.
- (C) No documents exist which are known to Applicant.
- (D) No documents exist which are known to Applicant.
- (E) Attached.
- (F) No such documents exist which are known to Applicant.
- (G) No such documents exist which are known to Applicant.
- (H) Applicant has no such documents. Such documents may exist in Commission files.
- (I) Not applicable. Individual Applicant.
- (J) Attached.
- (K) Only document known to exist are those filed in this proceeding.
- (L) Attached. No other documents exist which are known to Applicant.

Sincerely,


James L. Oyster

April 1, 1992

Kevin O'Kane
Vernon, N.Y.

Upon FCC grant of Construction Permit to you to build an FM broadcasting station in Whitesboro, N.Y., we will lend you necessary financing up to the sum of \$100,000.00 to be used in connection with the construction of the FM station. The loan will bear an interest rate of ten per cent (10%) per annum, compounded annually. The terms of payment will be interest only for the first year; commencing thereafter monthly payments to amortize the loan plus interest over a period of ten years.

Roger J. O'Kane
Myron E. O'Kane

Financial Statement
Roger J. and Marian E. O'Kane
116 23rd Street
Surf City, N. J.

April 1, 1992

CASH - Checking Account	\$ 3143.00
MLP Cash Mgmt. Acct.	13539.00
COMMON STOCK (Market Value)	119,000.00
MUTUAL FUNDS	90,000.00
ANNUITIES (Cash value)	241,000.00
INSURANCE (Death benefits) (Cash value \$60,000.)	135,000.00
RESIDENCE (Market value - no liens)	240,000.00
	<u>\$ 841,682.00</u>

There are no outstanding liabilities
except for current living expenses.

CERTIFIED CORRECT:

Roger J. O'Kane

Marian E. O'Kane

CONFIDENTIAL

ABOVE THE

WHAT WE

18-12

Personal Financial Statement

1770 REV 110 01111111

Home Address 3353 JENKIN RD.

VERNON N.Y.

Spec. Sec. No. 20-52-2310
Y. 13476

Home Telephone: 315-809-4847

**COMPLETE ALL SCHEDULES AND FILL IN ALL BLANKS: INSERT "NONE" IF APPROPRIATE
ATTACH ANY ADDITIONAL SCHEDULES OR PAPERS NEEDED TO COMPLETE ANSWERS**

ASSETS		Dollars	Cts.	LIABILITIES		Dollars	Cts.
Cash (Schedule A)	\$	5000	00	Notes Payable Banks (Schedule A)	\$		
Stocks and Bonds (Schedule B)		750000	00	Name Payable to Relatives (Schedule E)			
Accounts and Notes Receivable:				Notes Payable to Others (Schedule E)			
Due from relatives and friends				Accounts Payable			
Due from others - good				Federal & State Income Taxes Payable			
Doubtful				Other Accrued Taxes & Interest			
Real Estate Owned (Schedule C)		125000	00	Mortgages Payable (Schedule C)		71000	00
Mortgages Owned				Installment Contracts Payable (Schedule E)			
Cash Surrender Value Life Ins. (Schedule D)				Loans against Life Insurance (Schedule D)			
Other Assets (itemize):				Other Liabilities (itemize) (Schedule E)			
				TOTAL LIABILITIES		71000	00
				NET WORTH	\$	829000	00
TOTAL \$				TOTAL \$		829000	00

Annual Income: Salary \$ 52,000 Fees or Commissions \$ _____ Source WFXV-TV 33

Alimony or child support income need not be revealed if you do not desire us to consider such income in determining your credit worthiness.

Other Income \$ 12,000 ; Source W53 AM-TV

Business or Occupation GM, PROGRAM DIRECTOR Name of Employer WFSX-TV

Business Address GREENFIELD RD. ROUTE N.Y. 13440 Business Telephone 315-337-3700

Are you a partner or officer in any other business venture? YES If yes, name(s): OWNER
WS3 AM - LOW POWER TV

Are there any unsatisfied judgments or legal actions pending against you? NO If so attach details

Have you ever gone through bankruptcy or made a general assignment? NO If so, date? _____

Liabilities, security interests or transfers of title to assets not shown elsewhere on this form or on a supporting schedule: _____

CONTINGENT LIABILITIES: As endorser or co-maker \$ _____ As guarantor \$ _____

On receivables discounted or sold \$

On loans, mortgages or contracts \$ _____ Unrecorded claims \$ _____

Other (insert): _____

Schedule A CASH BALANCES AND BANK LOANS AND LINES OUTSTANDING AND AVAILABLE

[illegible]

Share of Bonds	Name of Security	In Name of	Name of Stock Exch.	Present Market Value	If Pledge Same to Vt
37.5	WEFV-TV DTCA, NY	MAHAWIK VALLEY BROADCASTING INC.		750,000	

Schedule C

REAL ESTATE OWNED AND MORTGAGES

Parcel No.	Location	Type of Property	Title in Name of	Cost	Recent Appraised Value	Out Acquit
1	WESTMORELAND	HOME	KEVIN O'KANE	125,000	125,000	MAY 9
2						

Are there any liens against any of the above property? _____

Are there any mortgage payments, interest or taxes overdue? _____

What are the annual real property taxes, if not included in the monthly payment? _____

SCHEDULE OF MORTGAGES ON REAL ESTATE

Parcel No.	Mortgage	Amount	Held By	Int. Rate	Maturity Date	Terms of Payment	Amount Overdue
1	1st	75,000	ONEIDA SAVINGS	7.25	2006	MONTHLY	
	2nd		BANK OF AMERICA				
2	1st		N.Y.C.				
	2nd						

Schedule D

LIFE INSURANCE

Paid Amount	Name of Company	Beneficiary	Type of Policy	Cash Value	Lot Against

Are any of the above policies assigned except for loans as shown? _____

Schedule E

OTHER NOTES AND LOANS PAYABLE

Nature of Debt	Lender	Original Amount	Present Amount	Maturity	Month Payable

Are you behind in any principal
payments, interest or taxes? **NO**

STATEMENT TO BANK:

I/We make this statement (which includes any attachments) with the intent that you rely upon it in granting any credit at my/our request, warrant that it is a complete and true statement as of today's date. I/We agree that all credit shall become due and payable immediately with or demand, if you discover any material misstatement or omission in this statement. You are authorized to obtain financial information from any or other source you ask. Each source of financial information is authorized to provide you with the requested information.

The bank may request a consumer report in connection with my application or for a review or renewal of my account. If I request it, the I inform me if a consumer report was requested, and will give me the name and address of the consumer reporting agency that furnished it.

Dated: **15 April 97**Signature **Kevin O'Kane**

EXHIBIT 3

RECEIVED NOV 24 1993
Whitesboro
OKgme
aPPS
Ⓟ

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

MM Docket No. 93-264

In re Applications of)	
FRANK B. DUROSS)	File No. BPH-920512MC
NEW HORIZONS BROADCASTING PARTNERSHIP)	File No. BPH-920513MF
KENNETH F. ROSER, JR.)	File No. BPH-920513MI
KEVIN O'KANE)	File No. BPH-920514MK
For Construction Permit)	
for a New FM Station on Channel 250A)	
in Whitesboro, New York)	

To: Administrative Law Judge Joseph P. Gonzalez

INTEGRATION STATEMENT

Kevin O' Kane, applicant in the above-captioned proceeding, by his counsel, hereby submits his integration statement as required by the Commission's Rules.

The applicant is an individual. The 100% owner is Kevin O'Kane. Mr. O'Kane will be employed full-time as General Manager of the proposed station, devoting a minimum of 40 hours per week to his duties at the station. As General Manager, Mr. O'Kane will be responsible for day-to-day operations and supervision of all phases of the station, including all financial matters. Mr. O'Kane will terminate his present employment so as to permit him to devote full-time to operation of the station.

Mr. O' Kane is the 37.5% owner, President and General Manager of Mohawk Valley Broadcasting, Inc., licensee of WFXV-TV, Utica, NY. He is an applicant for a new TV station (BPCT-890629KE) in Ilion, NY. He is the licensee of several low-power

TV stations in the area, including: W11BS, W13BR, W28AQ, W53AM, the permittee of W12BZ, and an applicant for a new LPTV (Ch. 31) in Oneonta, NY. Mr. O'Kane will divest himself of all of the above interests (and any subsequently acquired interests) if he is the successful applicant in this proceeding.

Since May, 1990, Mr. O'Kane has resided at 3353 Jenkins Rd., Vernon, NY 13476, which is in a town contiguous to the town of the proposed community of license. From 1987 to 1990, he lived on Burleson Rd. in Munnsville, NY, which is within the 1 mv/m contour of the proposed station. Mr. O'Kane will seek credit for residence within a community contiguous to the community of license and residence within the service area. Further, Mr. O'Kane will move to Whitesboro should his application be granted.

Mr. O'Kane has devoted extensive amounts of his own time to civic activities within the service area and community of license. From 1987 to the present, he has produced local high school soccer, hockey, football & basketball games on television as a public service to the community. This included the Whitesboro high school team. These games were broadcast over WFXV-TV, Utica, NY. Mr. O'Kane devoted approximately 4 hrs. per week of his own time to this activity. Mr. O'Kane has also been involved with local charitable associations. In 1992, he produced a live telethon for the Association for Retarded Citizens in Utica, New York. He personally devoted approximately 6 hours to this activity. As an owner and General Manager of WFXV-TV, which operates within the service area of the proposed radio station, Mr. O'Kane has developed a keen awareness of the needs of the service area for which he seeks credit in this proceeding. His involvement in

the community through the management of a local television station dates from 1987 to the present. Projects include sponsorship of a fundraiser for the American Diabetes Association.

The past broadcast experience of Kevin O'Kane is as follows:

WCVM* - State University of NY at Morrisville
Program Director, 1973-1976
WOCC* - Onondaga Community College, Syracuse, NY
Announcer, 1976-1977
WJPZ* - Syracuse University, Syracuse, NY
Announcer, 1978-1979
WAER-FM- Syracuse, University, Syracuse, NY
Announcer & Engineer, 1977-1981
WAQX-FM - Manlius, New York
Announcer & Tech. Asst. 1979-1982
WOLF - Syracuse, New York
Program Director, 1982-1984
Operations Director, 1984-1986
WFXV-TV - Utica, New York
President & General Manager, 1986-present

*carrier current

Mr. O'Kane holds the following degrees pertinent to owning and operating the proposed station:

A.A.S. in Business Administration
State University of New York at Morrisville

B.S. in Radio & Television
S.I. Newhouse School of Public Communications
Syracuse University, Syracuse, New York

The applicant also proposes to install auxiliary power generators at both the studio and transmitter sites and will participate as an active station in the Emergency Broadcast System.

Respectfully submitted,

Law Offices
JAMES L. OYSTER
Rt. 1, Box 203A
Castleton, VA 22716
(703) 937-4800

KEVIN O'KANE

/s/ James L. Oyster
By _____
James L. Oyster
Counsel

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